IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 35614 of 2002(M)

PETITIONER:

SREEKUMAR K.N., AGED 42 YEARS,
S/O. NARAYANAN K.A., KADAVUPUZHA HOUSE,
MURIKUMPUZHA, PALA P.O., KOTTAYAM DISTRICT,
PIN - 686 575.

BY ADV. SRI.K.S.BABU
SMT.N.SUDHA
SRI.A.STHOMAS SMITH

RESPONDENTS:
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1. THE SECRETARY, PALA MUNICIPALITY,
PALA, KOTTAYAM DISTRICT.

2. STATE OF KERALA REPRESENTED BY
THE SECRETARY, LOCAL SELF GOVERNMENT (E)
DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
GOVERNMENT PLEADER SRI.K.U.MANOJ.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.60114/02 IN O.P.NO.35614/02

DISMISSED

20.6.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF ORDER NO.PW-2-4243/98 DT. 4.9.2001 BY THE FIRST RESPONDENT.

EXT.P2 : TRUE COPY OF ORDER DT. 11.10.2001 BY THE FIRST RESPONDENT.

EXT.P3 : TRUE COPY OF REVISION PETITION FILED BY THE PETITIONER.

EXT.P4 : TRUE COPY OF ORDER NO.50325/E3/2001/LSGD DT. 19.11.2001 ISSUED BY THE 2ND RESPONDENT.

EXT.P5 : TRUE COPY OF ORDER NO.50325/E3/2001 DT. 12.11.2002 ISSUED BY THE SECOND RESPONDENT.

TGS

KURIAN JOSEPH J.

O.P. NO.35614 OF 2002

Dated 20th June, 2007.

J U D G M E N T

Petitioner is aggrieved since the appeal filed against the order passed by the respondent under Section 406(3) of the Kerala Municipality Act has not been finally disposed of. But at the same time, the interim order of stay initially granted was vacated. It is seen from Ext.P5 that the appeal filed by the petitioner is still pending. Now that a Tribunal has been constituted, it is only appropriate to transfer the appeal filed by the petitioner and referred to in Ext.P5 to the Tribunal, if not already transferred, within two months from the date of production of a copy of the judgment. Thereafter, the Tribunal shall consider the appeal on merits with notice to the petitioner and the first respondent and pass appropriate orders in accordance with law within another four months. The interim order passed by this Court in C.M.P.No.60114/02 will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.35614 OF 2002 (M)

J U D G M E N T

Dated 20th June, 2007.